

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

JOHN A SCHULTZ,

Plaintiff,

v.

Case No: 2:20-cv-400-SPC-MRM

WILSON LIGHTING OF
NAPLES, INC., BRIAN
WILSON and ROBERT
WILSON, III ,

Defendants.

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OPINION AND ORDER¹

Before the Court is the parties' Joint Renewed Motion for Approval of Parties' Settlement Agreement and Stipulation of Dismissal with Prejudice. ([Doc. 14](#)). Plaintiff John A. Schultz III and Defendants Wilson Lighting of Naples, Inc., Brian Wilson, and Robert Wilson III request that the Court approve the parties' settlement and dismiss the case. ([Doc. 14 at 2-3](#)). Magistrate Judge Mac R. McCoy recommends granting in part and denying in part the motion. ([Doc. 15](#)).

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

A district judge “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.


Accordingly, it is now

ORDERED:

1. The parties’ Joint Renewed Motion for Approval of Parties’ Settlement Agreement and Stipulation of Dismissal with Prejudice (Doc. 14) is **GRANTED in part and DENIED in part** as follows:
 - a. The Joint Renewed Motion for Approval of Parties’ Settlement Agreement and Stipulation of Dismissal with Prejudice (Doc. 14) is **GRANTED** to the extent it seeks judicial approval of the proposed Settlement Agreement (Doc. 14 at 11-19) as a fair and reasonable compromise of Plaintiff’s FLSA claim;

- b. The Joint Renewed Motion for Approval of Parties' Settlement Agreement and Stipulation of Dismissal with Prejudice ([Doc. 14](#)) is **DENIED** to the extent it seeks this Court to retain jurisdiction to enforce the terms of the parties' Settlement Agreement.
2. The Settlement Agreement ([Doc. 14 at 11-19](#)) is approved as a fair and reasonable resolution of a bona fide dispute regarding Plaintiff's FLSA claim.
3. The Clerk of Court is directed to dismiss this action with prejudice, terminate all pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida on May 11, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record